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**ARIZONA ATTORNEY GENERAL**

September 19, 1960

Mr. L. N. Butler  
Assistant State Veterinarian  
Office of State Veterinarian of Arizona  
1612 West Washington Street  
Phoenix, Arizona

LETTER 60-133-L	
Originator	M. B. DANIELS
I Concur	NEWMAN WHITE
Concur	STEEBY NEWELL

Re: Rabies Vaccine

Dear Mr. Butler:

This is in reply to your letter of inquiry of September 5, 1960, regarding authorization of the use of rabies vaccine which immunizes for a period longer than a year. Your question is as follows:

"Under the existing laws of the State of Arizona, pertaining to ownership, control and inspection of livestock and animals, may the State Veterinarian approve the use of rabies vaccine by an authorized veterinarian which has an effective immunization period of more than one year (and so stated on the vaccination certificate issued) as well as the one year vaccine which is currently approved?"

The statutory provisions which relate to rabies vaccine are found in Article 8, Chapter 2, Title 23, Arizona Revised Statutes, 1956. These provisions relate to the vaccination of dogs. The provision which has a bearing on this problem is A.R.S. §24-367, which recites:

"A. No dog license or dog tag may be issued except upon the certificate of a licensed veterinarian that the dog has been vaccinated against rabies.

B. \* \* \* A veterinarian authorized to issue dog licenses may retain one dollar and fifty cents of each license fee \* \* \* for performing the vaccination. \* \* \* The veterinarian shall provide the necessary vaccine at his own expense. The vaccine used for dog vaccination must be approved by the state veterinarian."

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The primary purpose of laws for the licensing of dogs is to protect the public from injury or damage done by such animals. A state statute which controls the sale of serum or medicines designed to eliminate or eradicate diseases among domestic animals is a proper exercise of the police powers. 3 C.J.S. 1161. Animals § 62. Authorities also agree that a statute which places the use of serums and medicines in the hands of veterinarians licensed in the state is valid. Fevold v. Board of Supervisors of Webster Co., 210 N.W. 139, 100 Ia. 1019. However, granting a monopoly on the sale of such medicines and serums is unconstitutional. Hall v. State, 158 N.W. 362, 100 Neb. 84, L.R.A. 1916 F 136, A.R.S. § 24-367 is a valid and enforceable Act.

The statute plainly states that the State Veterinarian must approve the vaccine used in the vaccination of dogs. Clearly the State Veterinarian can approve a rabies vaccine effective for a longer period than one year. The veterinarian charged with administering the vaccine which is effective for a period longer than a year must furnish it at a cost of not more than one dollar and fifty cents (\$1.50). (A.R.S. § 24-367.

The matter of issuing licenses annually is an administrative problem which can be worked out by the sheriff. A.R.S. §24-367B reads:

"The sheriff may establish an administrative procedure to permit any licensed veterinarian to sell and issue dog licenses and tags for dogs that have been vaccinated."

It is the opinion of the Attorney General's office that under the present law, the State Veterinarian may approve the use of rabies vaccine by an authorized veterinarian which has an effective immunization period of more than one year (and so stated on the vaccination certificate issued) as well as the one year vaccine which is currently approved.

We hope the foregoing opinion helps in solving your difficulties. If we can be of any further service, please advise us.

Very truly yours,

WADE CHURCH  
The Attorney General

H. B. DANIELS  
Assistant Attorney General

HBD:c

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